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The Strike Commission's Report

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The report of the commission appointed to investigate the great strike at Chicago is one of the most remarkable documents ever issued under the authority of the national government. This is perhaps the first instance in the history of our government where a quasi judicial body, acting under a federal commission, has abused its powers in order to castigate corporate bodies, while purporting to conduct an impartial investigation for the public welfare. It is extremely unfortunate that the members of the commission should become so lost to a sense of honor or dignity as to use their official position as a vehicle to exploit their personal prejudices.

The report of the commission is remarkable for its reckless disregard of plain facts, or of the legitimate inferences deducible from the evidence elicited at the hearing. This report fairly bristles with wicked innuendoes and statements which are not supported by the facts. It savors of blatant demagoguery rather than wisdom, of servile partisanship rather than fairness. It discloses the lack of an intelligent comprehension of the social and economic questions involved in this great controversy. It is utterly devoid of that calm and impartial deliberation and judicial spirit which characterises the efforts of a synthetical and high minded court of inquiry. It betrays the radical and intemperate zeal of the advocate than the rigid and impartial scrutiny of the judge.

It is painful to observe that the strike commission labored under the blighting influences of a deep rooted bias when upon the very threshold of its work. This is evident to even the most casual observer. First. It is incomprehensible that the commission should make the contemptible insinuation, at page 18, that the Pullman company employed a physician with an ostensible philanthropic purpose, but in reality to wring from helpless and tortured victims of an accident, a settlement on terms most favorable to the company. It seems incredible that the commission should hint broadly, at page 25, that the General Managers Association, composed of concededly honorable men, had formed a combination and entered into an unhallowed alliance, and raised a corruption fund, in order to overreach their employes. The General Managers are shrewd and experienced men, and it is a base reflection upon their intelligence, to say the least, to allege that they conspired against the rights of their operatives, when they knew full well, from long practical experience, that the prime factor of success in railway enterprises is an harmonious co-operation between the managers and the employes,—because the latter are scattered all over the lines, and thus escape the personal supervision of their superiors. Third. It is a sad commentary upon the intelligence of the commissioners, and the acquaintance with the practical affairs of railway corporations, to find them drawing conclusions that the General Managers' Association was formed for the purpose of fighting strikes and

arbitrating wage questions. Most people of average intelligence having even the remotest knowledge of railway matters have commonly believed that railway managers are obliged, in order to earn from ten to twenty thousand dollars a year, to devote their attention to more serious matters than strike and wage questions. These instances of a strong bias, and lack of practical knowledge of the questions raised by the strike, rendered the commission wholly unfit to perform the difficult, not to say delicate, duty entrusted to them. And their report is the most conclusive evidence of this. The report clearly reflects the perverted minds of the commissioners. It is a most eloquent tribute to their deficiency of practical judgment, or sense of justice and equity.

Examining in order the leading questions involved in this great controversy.

FIRST. The refusal of the General Managers Association to arbitrate with the American Railway Union was right, and their position impregnable. The facts disclosed clearly prove this. And the commission virtually admits it. There were absolutely no questions submitted by the A. R. U. which were legitimate subjects for arbitration as between the A. R. U. and the General Managers Association, nothing which could set in motion a court of arbitration, no relief demanded which would have been binding, legally or morally, upon the parties to the controversy. An arbitration is but another form of an action at law. The General Managers Association was not a party to the controversy between the Pullman company and its employes; the Pullman employes were not railway men. Hence, as between the American Railway Union and the General Managers Association there could be no proper joinder of parties, or issues,—and, consequently, no decision equally binding upon both of these organizations. The only issue between the American Railway Union and the General Managers Association was this: The former ordered a strike of railway employes simply because the latter refused the arbitrary and utterly unreasonable demands to sidetrack the Pullman cars, and thus involve the railroads in legal complications with the Pullman company, and perhaps the State,—not to speak of the prostration of railway traffic. Let us see how the commission deals with this subject. At page 23 of their report, they say: "To admit the Pullman shop employes into the American Railway Union as 'persons employed in railway service' was not wise or expedient," under the constitution of the organization. "Such loose construction of a labor constitution is certain to involve any organization in such an infinite variety of conflicting positions, and to force it into many contests demanding different and perhaps apparently inconsistent treatment." And this was precisely what occurred. "To reach out and take in those so alien to its natural membership as the Pullman employes, was, in the inception of the organization at least, a mistake. This mistake led the union into a strike purely sympathetic, and aided to bring upon it a crushing and demoralizing defeat." Thus, by its own showing, the commission admits that the A. R. U. did not approach the General Managers Association as plaintiffs seeking an arbitration of specific issues or grievances of their own, but simply as champions of the Pullman employes whom the commission says were not eligible to membership in that organization, under its constitution, and were "alien to its natural membership." It follows, then, by a plain construction of the decision rendered by the commission, that the Pullman employes were not lawful members of the A. R. U., and consequently not entitled to invoke its intervention in their contest with the Pullman company. It is clear that the Pullman employes joined the A. R. U. in order to secure the aid of that organization in fighting the Pullman company,—or, to whip

the devil around the stump. The commission says it was "the exaggerated idea of the power of the union (A. R. U.) which induced the workmen at Pullman to join the order," and "led to their striking against this advice,"—of the A. R. U. "Having struck," the commission says (page 24), "the union could do nothing less, upon the theory at its base, than support them,"—the Pullman employes. At page 36, it appears that the union voted that the members should stop handling Pullman cars unless the Pullman company would consent to arbitration. The A. R. U. occupied two wholly inconsistent positions: It was trying to force the Pullman company to arbitrate, and to compel the railways to aid in this effort, and because the latter refused, the A. R. U. decided that this was a question for arbitration, i. e., the refusal of the railways to assist in bringing the Pullman company to terms, by refusing to haul Pullman cars. This is the exact logic of the situation, and it betrays the fatal weakness of the position taken by the A. R. U. Continuing, the commission says, at page 36, "The strike on the part of the railroad employes was a sympathetic one. No grievances against the railroads had been presented by their employes, nor did the American Railway Union declare any such grievances to be any cause whatever of the strike. To simply boycott the Pullman cars would have been an incongruous step for the remedy of complaints of railroad employes. Throughout the strike the strife was simply over handling Pullman cars, the men being ready to do their duty otherwise." By plain and unequivocal statements, often repeated, the commission admits that the American Railway Union had nothing whatever to submit for arbitration to the General Managers Association. Even if the General Managers Association was formed, as the commission insinuates, as a "strike fighter," it is evident that the commission itself felt that there was nothing to arbitrate as between this organization and the A. R. U., since the only question at issue between these associations was the hauling of Pullman cars.

In view of the relations between the General Managers Association and the A. R. U., and of the admissions made by the commission, it is difficult to understand why the commission should assert at page 28, that "The refusal of the General Managers Association to recognize and deal with such a combination of labor as the American Railway Union seems arrogant and absurd." Had the A. R. U. come before the General Managers Association with specific grievances of their own growing out of their relation with the railways represented by this association, the case would have been entirely different. But when the A. R. U. tried to dictate terms to the railways, on behalf of men whom the commission expressly declares were not railway men, and ineligible to membership in the A. R. U. and "alien to its natural membership," the association was fully justified in refusing to deal with the union in any manner whatsoever. The General Managers Association was formed ostensibly to deal with questions relating to railways of a quasi public character, and matters pertaining to car builders, or private corporations, was entirely foreign to its objects, and it could not properly entertain jurisdiction in such matters.

This phase of the controversy shows a studied and determined purpose on the part of the commission to cast opprobrium and reproach upon the General Managers Association. But the effort is a signal failure when viewed in the light of the facts,—and it lays bare the inconsistency of the commission, the falsity of its statements and conclusions. Like Haman, the commission is its own executioner.

SECOND. The statements made at page 36 of the report, that the strike was produced by apprehension of wage reductions, blacklisting, and the growing power of the General Managers Association is entirely

speculative, and has absolutely no foundation in fact. When the commission takes the position of an advocate, it should confine itself to the facts in the case. The statements show to what straits the commission was reduced to in its efforts to club the General Managers Association, yet in a decorous way. Why were there no strikes, sympathetic or otherwise, during the period of its existence from 1886, since which time the commission says its "possibilities as a strike fighter and wage arbiter lay rather dormant." This statement is of itself sufficient to show the base and cowardly motive actuating the minds of the commissioners. The wholesale attacks, upon the association itself were bad enough, but the attack upon its president, Mr. St. John, is the culmination of malignity on the part of the commission. Lord Bacon says that "it is the vice of subtle minds to attach undue importance to small things." Nowhere do we find a higher tribute to the wisdom of the great philosopher than in this report. At page 26 we find some brief excerpts from the testimony of Mr. St. John, which, standing alone might be susceptible of a construction unfavorable to the General Managers Association. But the manner in which this evidence is quoted, and the sly insinuations made in regard to it, are suggestive of a pestiferous pettifogger rather than a commission created to investigate great social and economic questions. The question of wage arbitration was not germane to the inquiry before the commission, because it was not a cause of the strike,—and so it is not pertinent to this discussion of the controversy. It would seem that a uniform scale of wages, fairly adjusted, might properly be made by the railways, acting through the General Managers Association,—in order that employes of one road might not ask an advance on the ground that other roads were paying such and such wages.

The commission indulges in a long, and to them, apparently delightful excursion into the realms of speculative philosophy,—when it prognosticates the terrible consequences which might ensue in case all railways entered the alleged unlawful combination. But they evidently forgot to add that were all the railway employes in this country to join the 150,000 now said to be included on the rolls of the A. R. U. they might if they accepted the socialistic teaching of this partisan commission get excited some day and rip up all the railways and reduce the equipment to kindling wood and scrap iron, and hang the members of the General Managers Association to the telegraph poles found standing.

THIRD. The General Managers Association was not an issue in the controversy which the strike commission was created to investigate, and therefore, not a legitimate subject of consideration by that commission. The commission clearly overstepped the limits of its authority in dealing with this association. Prior to, and during the strike, the association was a mere passive factor, standing upon the defensive. It had absolutely nothing to do with the Pullman strike, and was in no wise a party to that contest. Nor was it a cause of that contest. It was not a cause of the railway strike,—unless its refusal to sacrifice the rights and interests of the roads it represented, and to submit to the dictation of a committee of irresponsible labor agitators was a cause of the latter strike. Consequently, this association could not, even by a strained construction of the statutes, be a legitimate subject for consideration by the commission under chapter 1063, section 6, of the laws of the United States, authorizing them to examine "the causes of the controversy." No public complaints were ever made against the association prior to the great strike, nor against its individual members. The commission does not charge the association with any unlawful or improper *overt* acts, either before or during

the strike, but simply alleges that the strike of railway employes was due to the action of the association in regard to wages, and to fear of its growing power and influence. But these charges, like most of those which the commission makes against this association, are unsupported by evidence, and are utterly disproved by the facts and attending circumstances. The General Managers Association was never brought into prominence until its aggressiveness in protecting the properties of the railways represented by it excited the animosities of the adherents and sympathisers of the strikers. Its aggressiveness and effective effort during the great labor insurrection was not the cause, but the legitimate result of the strike of the railway employes. It was drawn into the controversy in sheer self-defense. It was not a predisposing cause, but a corrective antidote for the evil which originated at the Pullman works. As the commission says, "its possibilities as a strike fighter—lay rather dormant" until the agents of the A. R. U. "urged on the strike at every available point upon the railroads centering at Chicago until it reached proportions far in excess of their original anticipations, and led to disorders beyond their control." These events aroused the latent energies of the General Managers Association, and led to the interposition of its all powerful arm to protect life and property from the assaults of armed mobs, resulting, as the commission admits, from the strike set in motion by the A. R. U. The intervention of the General Managers Association in the great controversy was due to the imperative exigencies of the times. From an impartial consideration of the facts, it is evident that this association instead of being one of the "causes of the controversy" which the commission was authorized to investigate, has by the commission, in defiance of every principle of justice and equity, been ruthlessly dragged into the controversy and made the scape-goat upon which it is sought by the most willful perversion and strained construction of the facts, to cast the odium of the great insurrection and its disastrous consequences. The association as a bugaboo in this controversy is simply the creature of the commissioner's distorted imaginations; it is a master spirit of evil hatched within the misty recesses of their inner consciousness.

Obviously the chief function of the General Managers Association is the promotion of harmonious relations between the great railways centering in Chicago, by the adjustment of matter incident to the interchange of traffic, and the settlement of questions which might otherwise lead to perplexing complications, ruinous competition, and the obstruction of the broad channels of trade and commerce. If its main object was the fighting of strikes and adjustment of wage schedules, it might as well disband now,—as those questions may be considered, at least in so far as the roads centering in Chicago are concerned, as settled for a generation to come. It must have been evident to at least one member of the commission, that the people have ever been clamoring for laws to compel the railroads to grant equal facilities to each other in the interchange of traffic,—and that such questions have been the occasion of some of the bitterest and most stubbornly fought contests in many states, and that the intervention of railroad commissioners, and the courts have ever been invoked in order to compel the railroads to adjust their difficulties so as to permit them properly to perform their public duties. An organization comprising representatives of the twenty-four railroads centering in Chicago, having the avowed purpose of settling questions incident to the interchange of traffic, and the promotion of harmonious co-operations between the various lines, and the adjustment of differences, ought, if controlled by practical and public spirited citizens to merit a large measure of public confidence.

Its mission is peace, the protection of life and property, the promotion of commerce, and the easy interchange of traffic. Such an association is much like a clearing house association where the affairs of a large number of banks are adjusted, and certain regulations prescribed and enforced for the practical operation of fiscal exchanges, and the promotion of commerce.

When confronted again with such a formidable insurrection as that witnessed at Chicago last summer, the corporations singly or in combination, will be fully justified in arming forces to protect their property, in precisely the same manner that individuals may do under like circumstances. Every man's house is his castle, and he has a right to protect it by armed force if necessary. Corporations are but an association of individuals, who lose none of their individual rights by incorporating themselves,—and there are no valid reasons why railway or other corporations should not arm to protect their property, whether railway tracks, elevators, or plants, in the same manner as individuals may their homes.

In so far as the evidence shows, the General Managers Association at Chicago was formed for purely legitimate purposes germane to the successful operation of railways. Its avowed purpose is a very commendable one. It has demonstrated its usefulness as a quasi public body. No event in the history of labor troubles has ever demonstrated so well the imperative necessity of such an organization as that witnessed in Chicago last July. Never was there an organization of this kind which proved itself so equal to the exigency which confronted it. By unity of action and firmness of purpose, and the exertion of its ready resources and ample power, the General Managers Association effectually prevented the wanton destruction of life and property when the strikers had lost control of themselves, and the city was practically at the mercy of ruthless and infuriated mobs. It is a grave question whether such an organization at every large railway center might not prove a blessing by protecting property in times of labor uprisings. Certainly the General Managers Association at Chicago has proved itself a powerful conservator of the peace, and protector of life and property,—and it has fully justified its existence as a corrective agent in times of public danger, if nothing more.

The report of the strike commission is certainly a public calamity. By a reckless and wanton distortion of the facts, and unjust and misleading conclusions, it has surrounded one of the most formidable and dangerous labor insurrections in our history with the cloak of charity, and virtually condoned the terrible offense under the great seal of the federal government. This report will do more to engender discontent and friction between corporations and employees, and to excite and promote bitter internece feuds than any document ever issued under the authority of the national government. If this commission and its efforts as a mediator and conciliator between labor and capital, is but a forecast of what we may expect from the tribunal recommended by it, we may all well exclaim with the inhabitants of England and France in the Middle Ages, "From the fury of the Northmen, O Lord deliver us."

GEORGE A. BENHAM.

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